THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24530 of 2007

Between:

Sri Chintamaneni Seshubabu and others.

.. PETITIONERS

and

The District Collector, West Godavari District and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24530 of 2007

ORDER:

The petitioners seek to issue a Writ of Mandamus declaring the action of the Joint Collector, Eluru, West Godavari District, in not considering the stay application filed by the petitioners in Revision Petition No.6617/D-8/2007 against the order of the 3rd respondent, dated 04-10-2007 in proceedings in Roc.No.1091/2007/A, as illegal and arbitrary.

It is the case of the petitioners that they are the residents of Kalarayanagudem Village, Lingapalem Mandal, West Godavari District and they are in possession and enjoyment of the lands mentioned below:-

Sl. No.	Name	Pass Book No.	R.S.No.	Patta No.	Extent
1.	Chintamaneni Seshu Babu	545151	269/4	317	Ac.15-00 Ac.20-00
2.	Raavi Ravi Kunmar	545152	269/2	410	Ac.20-00
3.	N.Krishna Murthy	545183	269/2	524	Ac.20-00
4.	D.Venkata Raghavendra Rao	545170	269/1	369	Ac.15-00
5.	N.Usha Rani	545155	269/3	89	Ac.10-00
6.	A.Ram Babu	520517	269/3	157	Ac.21-00
7.	A.Raju	545153	269/3	525	Ac.10-00
8.	D.Suneetha	545156	269/1	526	Ac.15-00
9.	C.Sri Shanthi	545172	269/4 269/6	124 124	Ac.18-00 Ac.27-00
10.	R.Rama Rao	545171	269/2	527	Ac.21-00
11.	A.Srilakshmi	545154	269/3	528	Ac.20-00
12.	C.Panisha	545157	269/11	6	Ac.36-00

It is stated that Kalarayanagudem Village was part of Zamindar Sri Innuganti Venkata Shobanadri Rao. The total extent of the land in R.S.No.269 of Kalarayanagudem Village was about Ac.1200-00 cents and

the petitioners are in occupation and possession of the land admeasuring Ac.268-00 cents and the zamindar granted occupancy rights in the year 1944. The petitioners purchased the lands in the year 1985 and the pattadar pass books were granted in the year 2003. It is stated that the State Government in G.O.Ms.No.3, dated 03-01-1970, notified the forest block of Bogolu forest in Chintalpudi Taluk, West Godavari District. The total extent of the land i.e., Ac.4100-00 cents consists of various blocks. It is stated that R.S.No.269 was outside the forest area and the Forest Department never claimed the said land. As there was boundary dispute, the petitioners requested the Revenue Authorities and the Forest Departments to conduct survey. As the survey has not been conducted, the petitioners filed W.P.No.21370 of 2007 before this Court seeking a Writ of Mandamus declaring the action of the respondents therein in not conducting survey of the land in R.S.No.269 of an extent of Ac.268-00 of Kalarayanagudem Village as illegal and arbitrary. The said writ petition was admitted and the same is pending on the file of this Court.

While so, the Revenue Divisional Officer passed an order in Roc.No.1901/2007/A, dated 04-10-2007, stating that the Village Revenue Officer, Kalarayanagudem, made a report on 19-09-2007, stating that the petitioners obtained pattadar pass books and title deeds in respect of the land admeasuring Ac.268-00 cents in the year 2003. It is further stated that the 4th respondent reported that an extent of Ac.1290-00 cents in R.S.No.269 is classified in accounts as “Forest” (Adavi) as per R.S.R. of Kalarayanagudem Village. On a perusal of the material available on record goes to show that the pattadar pass books have been issued in favour of the petitioners in the Forest Land for an extent of Ac.268-00 cents and as the pattadar pass books have been issued irregularly, the notices have been issued to the petitioners calling upon them to show cause as to why the pattadar pass books and title deeds shall not be cancelled, but the said show cause notices could not be served on the petitioners, as they were not living in the Village of Kalarayanagudem and, therefore, notices have been served by affixing in the land and at the prominent places in the Village. It is further stated that the President, Vanasamarakshana Samithi, Kalarayanagudem Village, informed

that the petitioners are not residing in the Village and they are not the residents of Kalarayanagudem Village. The land under dispute is covered by bushes and the same has not been cultivated by any body. Accordingly, the pattadar passbooks and title deeds have been cancelled. Aggrieved by the same, the petitioners filed a revision before the 2nd respondent along with stay application and the same are pending.

Learned counsel appearing for the petitioners submits that under the guise of cancelling pattadar pass books and title deeds, the respondents are taking steps to dispossess the petitioners from the lands in question.

As the revision along with stay application are pending against the order of the Revenue Divisional Officer, dated 04-10-2007, I am not inclined to express any opinion as to whether the petitioners are in possession of the land in question or not and whether they are entitled for the interim order or not.

Having regard to the facts and circumstances of the case, without expressing any opinion as to whether the land in question is a Forest Land, whether pattadar pass books and title deeds have been illegally obtained and whether the petitioners are in possession of the land in question or not, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the stay application, which is filed in Revision Petition No.6617/D-8/2007, filed against the order of the 3rd respondent, dated 04-10-2007, as expeditiously as possible, in accordance with law, within a period of ten days from the date of receipt of a copy of this order. There shall be no order as to costs.

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22-11-2007

Prv